

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

Cr. No. 08-20171-Ma

TIMMY KINNER,

Defendant.

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**DEFENDANT'S MOTION TO CONTINUE SENTENCING HEARING**

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COMES NOW the defendant, TIMMY KINNER, through appointed counsel, and respectfully moves this Honorable Court to continue the sentencing hearing currently set for Friday, March 6, 2009 at 9:30 a.m. In support thereof, undersigned counsel has a witness, Cleveland Jackson, II, who is ill and unable to attend the hearing. This witness is important to the Court's determination of whether the two level enhancement for "restraint of victim" should apply in Mr. Kinner's case. Counsel contacted Assistant United States Attorney, Christopher Cotten, concerning this request, and he has no objections.

**WHEREFORE, PREMISES CONSIDERED**, defendant respectfully moves this Honorable Court to grant the motion and continue the sentencing hearing to another date.

Respectfully submitted,

STEPHEN B. SHANKMAN  
FEDERAL DEFENDER

s/ DAVID M. BELL  
Assistant Federal Defender  
200 Jefferson Avenue, Suite 200  
Memphis, TN 38103  
(901) 544-3895

CERTIFICATE OF SERVICE

Undersigned hereby certifies that a true copy of the foregoing Defendant's Motion to Continue Report Date was forwarded by electronic means via the Court's electronic filing system to Christopher Cotten, Assistant U.S. Attorney, 167 N. Main, Suite 800, Memphis, TN 38103.

This 5th day of March, 2009.

s/ DAVID M. BELL  
Assistant Federal Defender